

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 20-01566-DHU

STACEY YELLOWHORSE,

Defendant.

**RESPONSE TO THE MOTION IN LIMINE TO EXCLUDE DURESS AS A DEFENSE
TO MURDER**

Defendant Stacey Yellowhorse, by and through her attorney of record, Carey C. Bhalla of Rothstein Donatelli, LLP, submits her Response to the United States' Motion in Limine to Exclude Duress as a Defense to Murder. In support of this motion, Ms. Yellowhorse would respectfully show the Court as follows:

The Government's motion is inapplicable, because Ms. Yellowhorse is not raising duress as a defense to murder. Throughout these proceedings, Ms. Yellowhorse has consistently maintained her innocence of the murder. *See, e.g.*, Motion to Sever at 1-2 (Doc. 78) ("Ms. Yellowhorse is innocent of the murder and played no part in the death of [the victim]."). Ms. Yellowhorse's position is that she experienced a dissociative break upon seeing Timothy Chischilly nailing the victim to the floor with a hammer, triggering a violent flashback, whereupon she fled the scene as Mr. Chischilly committed the murder. Ms. Yellowhorse later returned to scene, but at no point assisted in the murder. Accordingly, the Government's motion misconstrues Ms. Yellowhorse's claim and its argument seeking to bar duress as a defense to murder is inapposite.

Respectfully submitted,

ROTHSTEIN DONATELLI LLP

/s/ Carey C. Bhalla

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February 2022, I served a true copy of the foregoing pleading filed electronically through the Odyssey File & Serve System, which caused counsel for the State to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Carey C. Bhalla

ROTHSTEIN DONATELLI